

Message Text

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DRAFTED BY D/IWY:CEAST

APPROVED BY D/IWY:MMARCY

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FM SECSTATE WASHDC

TO MR. MIKE SEYMOUR

MISSISSIPPI CENTER FOR ETV 3825 RIDGEWOOD ROAD

JACKSON MISS 39205 TEL 601 982-6565

UNCLAS STATE 104674

E.O. 11652:

TAGS:

SUBJECT:

1. SHELTON HAND'S STATEMENT ON PRO-CON PROGRAM TUESDAY, APRIL 27, 1976, RE EFFECT OF MONTANA'S EQUAL RIGHTS AMENDMENT ON SEPARATE TOILETS FOR MEN AND WOMEN IS INCORRECT. TAPE SHOULD BE EDITED BEFORE NEXT USE ON SUNDAY AT 3 P.M. TO DELETE THIS, OR AN INTRODUCTORY STATEMENT SHOULD POINT OUT THE ERROR.

2. THE MONTANA CODE HAD NO PROVISION FOR SEPARATE TOILETS PRIOR TO THE EQUAL RIGHTS AMENDMENT AND HAS NO SUCH PROVISION NOW. THE BUILDING CODES PROMULGATED BY THE MONTANA DEPARTMENT OF ADMINISTRATION REQUIRED SEPARATE TOILETS PRIOR TO THE ERA AND STILL REQUIRE SEPARATE TOILETS. THE ABOVE INFORMATION WAS SECURED FROM ROSEMARY ZION, THE ATTORNEY WHO STAFFED THE LEGISLATIVE COMMITTEE, WHICH REVISED STATE LAWS TO CONFORM WITH ERA; JIM KIMBALL OF THE DEPARTMENT OF ADMINISTRATION, TELEPHONE 406-449-3933; AND A REVIEW OF THE PERTINENT PROVISIONS OF THE MONTANA CODE AS THEY READ PRIOR TO AND FOLLOWING REVISION TO CONFORM WITH THE ERA.

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3. ALSO, MR. HAND'S QUESTIONING OF A CON WITNESS CON-

CERNING THE CHARGE THAT THE COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR IS VIOLATING ARTICLE V OF THE CONSTITUTION WAS HIGHLY IMPROPER, AS I WAS GIVEN NO OPPORTUNITY TO RESPOND WITH THE FACTS. THE CHARGE IS BASED ON THE PREMISE THAT THE PRESIDENT, BECAUSE HE IS NOT NAMED IN ARTICLE V, CANNOT LEGALLY, THEREFORE, TAKE A POSITION ON PROPOSED CONSTITUTIONAL AMENDMENTS AND COULD NOT AUTHORIZE THE COMMISSION TO MAKE RECOMMENDATIONS OR PUBLISH EDUCATIONAL MATERIALS CONCERNING THE AMENDMENT. THIS IS A NON SEQUITOR AND CONTRARY TO HISTORICAL PRECEDENT. THE COMMISSION'S EFFORTS HAVE BEEN BASED ENTIRELY ON EDUCATING THE PUBLIC AS TO THE INTENT OF CONGRESS WITH RESPECT TO THE ERA AND THE IMPORTANCE OF THAT INTENT TO THE COURTS IN INTERPRETING THE AMENDMENT WHEN EFFECTIVE, CERTAINLY A PROPER FUNCTION FOR A GOVERNMENT ORGANIZATION. IN THE INTEREST OF FAIRNESS THE QUESTION AND ANSWER RELATING TO THE CONSTITUTIONALITY AND PROPRIETY OF THE COMMISSION'S ACTIVITIES AND MY PRESENCE ON THE PROGRAM SHOULD BE EDITED OUT OR THIS STATEMENT SHOULD BE READ ON THE AIR PRIOR TO THE PROGRAM OR IMMEDIATELY FOLLOWING.

CATHERINE EAST
DEPUTY COORDINATOR
SECRETARIAT FOR INTERNATIONAL WOMEN'S YEAR. SISCO

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